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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/722184

Applicant: Jeffrey O. PHILLIPS

Filed: November 25, 2003

Title: NOVEL SUBSTITUTED BENZIMIDAZOLE DOSAGE FORMS AND METHOD OF USING SAME

Art Unit: Unknown

Examiner: unknown

Docket No.: 03207556

Customer No.: 26565

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INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Dear Sir:

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b); Applicant brings to the attention of the Examiner the documents listed on the attached PTO/SB/08B form. This Information Disclosure Statement is being filed before the first Office Action on the merits; and therefore the Applicant believes no fee is required.

Applicant respectfully requests that the Examiner consider the listed documents and evidence that consideration of relevant portions thereof by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each of all of the listed documents are material or constitute "prior art." If it should be determined that any of the listed documents do not constitute "prior art" under United States law, Applicant reserves the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

The Commissioner is hereby authorized to charge any additional filing fees required under Rule 1.17 concerning this transaction, or to credit any overpayment to Deposit Account 13-0019.

Respectfully submitted,



Joseph A. Mahoney
Reg. No. 38,956

Date: September 9, 2005

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Use as many sheets as necessary)

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Sheet

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Application Number 10/723184

Application Number	10/722184
Filing Date	November 25, 2003
First Named Inventor	Phillips
Art Unit	Unknown
Examiner Name	Unknown
Attorney Docket Number	03207556

U.S. PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YY	Name of Patentee or Applicant of Cited Document	Pages, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
		EP 0584588	08/03/1993	Nippon Chemiphar Co., Ltd.		

NON-PATENT LITERATURE

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.
		<i>Request for Ex Parte Reexamination Transmittal Form; Request for Reexamination under 35 USC 302-307 and 37 CFR 1.510 of U.S. Patent No. 6,699,885 filed with the U.S. Patent Office on August 22, 2005, including its Exhibits A, B, B1-9 and C</i>
		<i>M. Horowitz, et al., The Effect of Omeprazole on Gastric Emptying in Patients with Duodenal Ulcer Disease, 18 Br. J. Clin Pharmac. 791-794 (1984)</i>
		<i>Martindale The Extra Pharmacopeia, Twenty-ninth Edition, Edited by James E.F. Reynolds, London, The Pharmaceutical Press (1989).</i>

"EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. "Applicant's unique citation designation must be clearly marked." See *Kind Codes of USPTO Patent Documents* at www.uspto.gov MPEP 601.04. Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). "For Japanese patent documents, enter the month of the year of the issue of the patent or the month of the issue of the publication of the patent or the month of the issue of the publication of the utility model or the month of the issue of the publication of the design." Enter the serial number of the patent document. "Kind of document" is the two-letter code (WIPO Standard ST.1) and "Language" is the language in which the document was published. If English language translation is attached, enter "EN".

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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